

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**CLYDE PERKINS,**

**Defendant.**

**CASE NO. 8:CR09CR166**

# MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's appeal (Filing No. 33) from the Magistrate Judge's order (Filing No. 32) denying the Defendant's motion to continue trial.

Pursuant to 28 U.S.C. § 636(b)(1)(A) and NECrImR 57.2, the court has reviewed the order from which this appeal has been taken. In an appeal from a magistrate judge's order on a pretrial matter within 28 U.S.C. § 636(b)(1)(A), a district court may set aside any part of the magistrate judge's order shown to be clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); NECrImR 57.2(c).

The Court has carefully reviewed this matter and concludes that Judge Gossett's order is not clearly erroneous or contrary to law. The appeal is denied.

IT IS ORDERED:

1. The Defendant's appeal from the Magistrate Judge's Order (Filing No. 33) is denied; and
2. The Magistrate Judge's Order denying the Defendant's motion to continue trial (Filing No. 32), is affirmed.

DATED this 17<sup>th</sup> day of August, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge